

IU-030-DIV-CON2:KAG:131182

"Express Mail" Label No. EL683237922US
Date of Deposit: June 8, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231-9999

June 8, 2001

Date of Deposit

Kenneth A. Gandy

Name of Registered Representative

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re continuation patent application of:)	
Loren J. Field)	Before the Examiner
Serial No. New)	Not Yet Assigned
Filed: June 8, 2001)	Group Art Unit 1636
MYOCARDIAL GRAFTS AND CELLULAR)	June 8, 2001
COMPOSITIONS USEFUL FOR SAME)	

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, D. C. 20231

Sir:

As a Preliminary Amendment to the above-identified application, a continuation of U.S. Patent Application Serial No. 09/441,315, filed on November 16, 1999, still pending, please enter the following amendment prior to computing the required filing fee under 37 C.F.R. §1.16. Additionally, please charge any fees due or credit any overpayment to Deposit Account No. 23-3030, but not to include any payment of issue fees.

IN THE SPECIFICATION:

Please delete the current data regarding related applications, and insert the following immediately after the title:

-- This is a continuation of U.S. Patent Application Serial No. 09/441,315 filed on November 16, 1999, still pending; which is a continuation of U.S. Patent Application Serial No. 08/976,278 filed November 21, 1997, now U.S. Patent No. 6,015,671 issued January 18, 2000; which is continuation of U.S. Patent Application Serial No. 08/477,783 filed June 7, 1995, now U.S. Patent No. 5,733,727 issued March 31, 1998; which is a divisional of U.S. Patent Application Serial No. 08/153,664 filed November 16, 1993, now U.S. Patent No. 5,602,301 issued February 11, 1997. --

IN THE CLAIMS:

Please CANCEL claims 1-25.

Please ADD the following new claims:

- 26. (New) A method for cellular grafting in myocardial tissue of an animal, comprising forming a stable cellular graft of cardiomyocyte cells in myocardial tissue of an animal, wherein the engrafted cells are viable for at least six months.
27. (New) A method for cellular grafting according to claim 26, which comprises the step of introducing embryonic cardiomyocyte cells into said myocardial tissue.
28. (New) A method for cellular grafting according to claim 26, which comprises the step of introducing adult cardiomyocyte cells into said myocardial tissue.
29. (New) A method for cellular grafting according to claim 27, wherein said myocardial tissue comprises diseased or damaged myocardial tissue and said cellular graft is for supplementing myocardial function.
30. (New) A method for cellular grafting according to claim 29 wherein said myocardial tissue is infarcted myocardial tissue.

31. (New) A method for cellular grafting according to claim 30, which comprises introducing embryonic cardiomyocyte cells into said infarcted myocardial tissue.

32. (New) A method for cellular grafting according to claim 30, which comprises introducing adult cardiomyocyte cells into said infarcted myocardial tissue.

33. (New) A method for cellular grafting according to claim 26, wherein said cardiomyocytes of said graft are non-immunogenic to said animal.

34. (New) A method for cellular grafting according to claim 26 wherein said cardiomyocyte cells of said cellular graft are genetically identical to cells of said animal.

35. (New) A method for cellular grafting according to claim 26 wherein said animal is a mammal.

36. (New) A method for cellular grafting according to claim 26, wherein said cardiomyocyte cells of said graft are non-immortalized.

37. (New) A method for cellular grafting according to claim 35 wherein said myocardial tissue is ventricular myocardial tissue.

38. (New) A method for cellular grafting according to claim 37, wherein said ventricular myocardial tissue is left ventricular myocardial tissue.

39. (New) A method for cellular grafting according to claim 26, wherein said cellular graft comprises cardiomyocyte cells intercellularly coupled to cardiomyocyte cells of said myocardial issue by junctional complexes.

40. (New) A method for cellular grafting according to claim 26, wherein the cellular graft comprises cardiomyocyte cells that carry a transgene encoding a recombinant molecule.

41. (New) A method for cellular grafting according to claim 40, wherein the recombinant molecule is a protein.

42. (New) A method for cellular grafting according to claim 41, wherein the protein is delivered to said myocardial tissue by the graft cardiomyocyte cells.

43. (New) A method for cellular grafting according to claim 42 wherein the protein is an angiogenic factor or neurotrophic agent.

44. (New) A method for cellular grafting according to claim 43 wherein the protein is an angiogenic factor that induces neovascularization in the myocardial tissue.

45. (New) A method for cellular grafting according to claim 44, wherein the angiogenic factor is basic or acidic Fibroblast Growth Factor, Transforming Growth Factor-Beta, Vascular Endothelial Growth Factor, or Hepatocyte Growth Factor.

46. (New) A method for cellular grafting according to claim 43, wherein the protein is a neurotrophic agent.

47. (New) A method of treating diseased or damaged myocardial tissue comprising forming a graft of cardiomyocyte cells in said tissue, wherein the graft is viable for at least six months.

48. (New) A method for treating diseased or damaged tissue according to claim 47, which comprises the step of introducing embryonic cardiomyocyte cells into said myocardial tissue.

49. (New) A method for treating diseased or damaged tissue according to claim 47, which comprises the step of introducing adult cardiomyocyte cells into said myocardial tissue.

50. (New) A method for treating diseased or damaged tissue according to claim 47, wherein said cellular graft is for supplementing myocardial function.

51. (New) A method for treating diseased or damaged tissue according to claim 50, wherein said myocardial tissue is infarcted myocardial tissue.

52. (New) A method for treating diseased or damaged tissue according to claim 51, which comprises introducing embryonic cardiomyocyte cells into said infarcted myocardial tissue.

53. (New) A method for treating diseased or damaged tissue according to claim 51, which comprises introducing adult cardiomyocyte cells into said infarcted myocardial tissue.

54. (New) A method for treating diseased or damaged tissue according to claim 47, wherein said cardiomyocytes of said graft are non-immunogenic to said animal.

55. (New) A method for treating diseased or damaged tissue according to claim 47, wherein said cardiomyocyte cells of said cellular graft are genetically identical to cells of said animal.

56. (New) A method for treating diseased or damaged tissue according to claim 29, wherein said animal is a mammal.

57. (New) A method for treating diseased or damaged tissue according to claim 47, wherein said cardiomyocyte cells of said graft are non-immortalized.

58. (New) A method for treating diseased or damaged tissue according to claim 57, wherein said myocardial tissue is ventricular myocardial tissue.

59. (New) A method for treating diseased or damaged tissue according to claim 33, wherein said ventricular myocardial tissue is left ventricular myocardial tissue.

60. (New) A method for treating diseased or damaged tissue according to claim 47, wherein said cellular graft comprises cardiomyocyte cells intercellularly coupled to cardiomyocyte cells of said myocardial tissue by junctional complexes.

61. (New) A method for treating diseased or damaged tissue according to claim 47, wherein the cellular graft comprises cardiomyocyte cells that carry a transgene encoding a recombinant molecule.

62. (New) A method for treating diseased or damaged tissue according to claim 61, wherein the recombinant molecule is a protein.

63. (New) A method for treating diseased or damaged tissue according to claim 62 wherein the protein is delivered to said myocardial tissue by the graft cardiomyocyte cells.

64. (New) A method for treating diseased or damaged tissue according to claim 63, wherein the protein is an angiogenic factor or neurotrophic agent.

65. (New) A method for treating diseased or damaged tissue according to claim 64, wherein the protein is an angiogenic factor that induces neovascularization in the myocardial tissue.

66. (New) A method for treating diseased or damaged tissue according to claim 65, wherein the angiogenic factor is basic or acidic Fibroblast Growth Factor, Transforming Growth Factor-Beta, Vascular Endothelial Growth Factor, or Hepatocyte Growth Factor.

67. (New) A method for treating diseased or damaged tissue according to claim 64, wherein the protein is a neurotrophic agent.

68. (New) A method for treating diseased or damaged tissue according to claim 47, wherein said cardiomyocyte cells are obtained by a process that comprises providing embryonic stem cells having a selection marker enabling selection of the cardiomyocyte cells from other cells, causing the embryonic stem cells to differentiate, and selecting the cardiomyocyte cells.

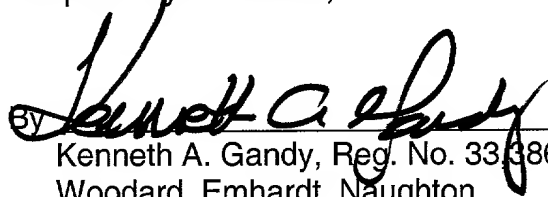
--

REMARKS

Entry of the Preliminary Amendment and examination of the present application are respectfully requested. Upon entry of this Amendment, this application will contain claims 26-68 pending and under consideration. These claims are supported throughout the specification, and introduce no new subject matter.

Examination and allowance of the present application, as amended, is hereby solicited.

Respectfully submitted,

By 

Kenneth A. Gandy, Reg. No. 33386
Woodard, Emhardt, Naughton,
Moriarty & McNett
Bank One Center/Tower, Suite 3700
111 Monument Circle
Indianapolis, Indiana 46204-5137
(317) 634-3456